

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 27, 2000**

DIVISION ONE

B130884      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Walter W., et al.

The appeal is dismissed.

Masterson, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

B123876      Ayoubpour                              (Not for Publication)  
                 v.  
                 J. Robert Scott, Inc., et al.

We affirm the summary judgment for defendant. Defendant is awarded costs on appeal.

Ortega, Acting P.J.

We concur:    Vogel (Miriam A.), J.  
                 Masterson, J.

B134400      People                                      (Not for Publication)  
                 v.  
                 Rafael S.

The judgment is affirmed.

Ortega, J.

We concur:    Spencer, P.J.  
                 Masterson, J.

## DIVISION ONE (Continued)

[illegible]

We have examined the entire record and are satisfied Carter's attorney has fully complied with his responsibilities and so arguable issues exist. (People v. Wende (1979) 25 Cal.3d 436, 441.) We affirm the judgment.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B122888      Acceptance Insurance Company      (Not for Publication)  
v.  
Travelers Casualty And Surety Company et al.

We affirm the judgment. Defendants are entitled to their costs on appeal

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B120182      Aldridge                                  (Not for Publication)  
v.  
County of Los Angeles et al.

We affirm the judgment. Defendants are entitled to their costs.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

DIVISION ONE (Continued)

B128194      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Callie B.  
Elizabeth B.

The order under review is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
Ortega, J.

B126536      People      (Not for Publication)  
v.  
Bloison

The judgment is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
Ortega, J.

B126496      Gage      (Not for Publication)  
v.  
Los Angeles County Metropolitan Transportation Authority

The July 7, 1998, order dismissing the case, with prejudice, is reversed.  
Plaintiff is awarded costs on appeal.

Ortega, Acting P.J.

We concur:    Vogel (Miriam A.), J.  
Masterson, J.

## DIVISION ONE (Continued)

B131038 People v. Tafolla (Not for Publication)

The judgment is affirmed. We remand to the trial court to prepare an abstract of judgment amended to show the following sentence: 33 years to life, consisting of 25 years to life for assault by means of force likely to provide great bodily injury (§ 245, subd. (a)(1), enhanced by 5 years (§ 667.5, subd.(a)(1) enhanced by 3 years (§ 12022.7, subd. (a). The amended abstract shall be forwarded to the Department of Corrections.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

B136287 Cathy J., et al (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services., r.p.i.)

The petitions are denied.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

## DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned) and G. Villanueva, Deputy Clerk.

DIVISION TWO (Continued)

Each of the following:

B128996 People v. Joshua P.  
B129734 People v. Eason  
B126565 People v. David A.  
B130029 People v. Johnny V.  
B131306 People v. Galvan  
B129593 People v. Martinez  
B130250 Barnes v. Longs Drug Store  
B129063 Tipton v. Dept. of Real Estate  
B131217 People v. Muhammed  
B129709 People v. Maldonado  
B130992 People v. Scott  
B130380 People v. Shipp  
B124600 People v. Navasardian  
B129563 In re Gloria K.  
B132759 In re Cherry W.  
B105097 People v. Jones  
B127765 In re Crystal V.  
B133785 In re Cassandra C.  
B136704 Elena W. v. S.C.L.A.  
B131938 In re Marc H.  
B132750 In re Kasey C.  
B137263 Clara L. v. S.C.L.A.  
B128149 Seto v. Diamond Square

Argument waived, cause submitted.

B121127     People  
              v.  
              Williams

Merits:

Argued by Dirk Hudson, deputy district attorney, for appellant and Linn Davis for respondent waived oral argument. Cause submitted.

DIVISION TWO (Continued)

B128352 Winnick  
v.  
Levine

Merits:  
Argued by Michael Parks for appellant and by Robert Ungar for respondent. Cause submitted.

B131479 Chino Finishing Corp.  
v.  
First Union Nat'l Bank

Merits:  
Argued by John Pennington for appellant and by Larry Garbriel for respondent. Cause submitted.

B131417 Bergey  
v.  
Bank of America

Merits:  
Argued by Victor Wightman for appellant and by Lisa Krakow for respondent. Cause submitted.

B126657 Gallardo  
v.  
Ameriquest Mortgage Co.  
Rodman

Merits:  
Argued by Rachael Berman for respondent Ameriquest and by Paul Schrieffer for respondent Rodman. Betty Miller for appellant waived argument. Cause submitted.

DIVISION TWO (Continued)

B124533     Rasbeary  
              v.  
              Rasbeary

Merits:

Argued by Willis Frambach for appellant and by Gary Weinstein for respondent. Submission deferred. Appellant has fourteen days to submit letter brief and respondent fourteen days to reply, then matter to stand submitted.

B130061     Sebenius  
              v.  
              Smith

Merits:

Argued by James Wright for appellant and by John Weber for respondent. Cause submitted.

B125249     Konig  
              v.  
              Fair Employment and Housing

Merits:

Nancy Konig, appellant in propria persona, waived argument. Argued by Kathleen Mikkelsen for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned) and G. Villanueva, Deputy Clerk.

DIVISION TWO (Continued)

B125307     People  
              v.  
              Colon

Merits:

Argued by Maxine Weksler for appellant and by Jason Tran, deputy attorney general, for respondent. Cause submitted.

B127696     People  
              v.  
              Valentine

Merits:

Argued by David Goodwin for appellant and by Scott Taryle, deputy attorney general, for respondent. Cause submitted.

B128915     Wagner  
              v.  
              City of South Pasadena

Merits:

Argued by Robert Gerstein for appellant and by June Ailin for respondent. Cause submitted.

B135936     Corbi  
              v.  
              Superior Court, Los Angeles County  
              (Ezell, r.p.i.)

Merits:

Argued by Paul Blechner for petitioner, by Gordon Trask for respondent and by Russell Thomulka for real party in interest. Cause submitted.



## DIVISION TWO (Continued)

B133725      Wells  
v.  
Superior Court, Los Angeles County  
(People, r.p.i.)

Merits:

Argued by Susan Wolk for petitioner and by Shirley Sun, deputy district attorney, for real party in interest. Cause submitted.

B130056      Zanger  
v.  
Baldwin

Merits:

Argued by Leonard Steiner for appellant and by Philip Weiss for respondent. Cause submitted.

B128560      Gulf Ins Co.  
v.  
Berger, Kahn, et al.

Merits:

Argued by Jeffrey Miller for appellant and by Thomas Charchut for respondent. Cause submitted.

Court adjourned.

B112981      Brown et al.      (Not for Publication)  
v.  
City of Los Angeles et al.

The judgment is affirmed.

Nott, Acting P.J.

We concur: Zebrowski, J.  
Mallano, J.(Assigned)

### DIVISION THREE

B135345 People (Not for Publication)  
v.  
Gumbs

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B097689 People (Not for Publication)  
v.  
Perez

As to Chau, the judgment is affirmed. As to Perez, the judgment is reversed and the matter is remanded to the superior court with directions to resentence Perez in accordance with the views expressed in *People v. Jefferson*, *supra*, 21 Cal.4th at pp. 98, 101-102.

Klein, P.J.

I concur:       Croskey, J.

B126163 People (Not for Publication)  
v.  
Broglia

The judgment is modified to impose a suspended parole revocation fine in the amount of \$7,000. (Pen. Code, 1202.45.) The clerk of the superior court is ordered to prepare an amended abstract of judgment as set forth in this opinion and to forward a corrected copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Schneider, J. (Assigned)

### DIVISION THREE (Continued)

[illegible]

The judgment is modified by imposing a parole revocation fine in the amount of \$200 and penalty assessments in the amount of \$85, in accordance with this opinion. In addition, the trial court is ordered on remand to either impose or strike a second prior prison term enhancement, in accordance with this opinion. In all other respects, the judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting these modifications, as well as the fact that Hammond was sentenced to a four-year under section 12022, subdivision (c), not under section 1203.07. The corrected abstract of judgment shall be forwarded to the Department of Corrections.

Klein, P.J.

We concur:   Croskey, J.  
                      Schneider, J. (Assigned)

B126760 People (Not for Publication)  
v.  
Parker

The judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment which correctly reflects Parker's conviction by jury rather than plea.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION FOUR

B128802      John Birch Society                      (Not for Publication)  
                 v.  
                 Aarron

The judgment against appellant the John Birch Society is affirmed.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                 Hastings, J.

B125644      Ravindran                                      (Not for Publication)  
                 v.  
                 Children's Hospital of Los Angeles

The order awarding attorney fees to respondent is reversed. Costs on appeal are awarded to appellant.

Curry, J.

We concur:    Epstein, Acting P.J.  
                 Hastings, J.

B134338      Korean Philadelphia                      (Certified for Publication)  
                 Presbyterian Church  
                 v.  
                 California Presbytery

The order granting the preliminary injunction is reversed and the preliminary injunction is dissolved. The case is remanded for further proceedings consistent with the views set forth in this opinion. Each party is to bear its own costs.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                 Epstein, J.

DIVISION FOUR (Continued)

[illegible]

The order of May 29, 1998, denying appellant's motion to vacate: (1) the default judgment entered January 15, 1998, and (2) the orders of June 24, 1997, July 18, 1997, and July 30, 1997, declaring appellant a vexatious litigant, seizing his assets, precluding him from filing any pleadings in his defense in case No. EC022640 until he posted a \$15,000 bond, and releasing his assets to respondents' attorneys is reversed. On remand, the court is instructed to enter a new and different order granting appellant's motion to vacate and vacating said judgment and orders. Appellant shall recover costs on appeal.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B134517 People (Not for Publication)  
v.  
Welsh

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

## DIVISION FOUR (Continued)

B129636 People (Not for Publication)  
v.  
Sobel

For the foregoing reasons, the matter is remanded for sentencing on count 3 and in all other respects is affirmed.

Hastings, J.

We concur:   Vogel (C.S.), P.J.  
                      Epstein, J.

B128816 People (Not for Publication)  
v.  
Lewis

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B131497 People (Not for Publication)  
v.  
Kirkwood, III

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FOUR (Continued)

B131899 People (Not for Publication)  
v.  
Gooden

The judgment is affirmed. The superior court is directed to file the memorandum entitled "Reasons under Penal Code 1385(a) for Striking One Allegation of a Prior Serious and/or Violent Felony Conviction."

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

[illegible]

For the foregoing reasons, the judgment is modified to stay the enhanced sentence imposed on count 1 (second degree robbery with personal use of a shotgun), said stay to become permanent upon completion of the sentence imposed on count 2. As modified the judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting this modification, the fine previously imposed pursuant to Penal Code section 1202.4, and the fine previously imposed and suspended pursuant to Penal Code section 1202.45.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FOUR (Continued)

B128851 People (Not for Publication)  
v.  
Buckhalter

For the foregoing reasons, the trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting the \$200 fine imposed pursuant to Penal Code section 1202.4. The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

DIVISION FIVE

B129146 People (Not for Publication)  
v.  
**Willie James Turner**

The judgment is affirmed.

O'Neill, J. (Assigned)

We concur:   Armstrong, Acting P.J.  
                   Godoy Perez, J.

B126762      People                                  (Not for Publication)  
v.  
Jesse Lee Shaw

The judgment is affirmed.

O'Neill, J. (Assigned)

We concur:   Armstrong, Acting P.J.  
                   Godoy Perez, J.



## DIVISION FIVE (Continued)

B130385      People                                  (Not for Publication)  
v.  
Ronald Gregory Downs

The judgment is affirmed.

O'Neill, J. (Assigned)

We concur:   Armstrong, Acting P.J.  
                   Godoy Perez, J.

B128936 People (Not for Publication)  
v.  
David Victor Zaragoza

The judgment is modified to reflect that defendant is to receive 255 days of presentence credits, consisting of 222 days of actual credit and 33 days of conduct credit. As modified, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B127454      Los Angeles County, D.C.F.S.  
v.  
Rosemarie P.  
In re Hector P.

Filed order vacating submission of October 6, 1999. Good cause exists to vacate the submission due to the illness of the lead justice with influenza. Cause resubmitted.

## DIVISION FIVE (Continued)

B126943      People                                  (Not for Publication)  
v.  
Paul John Denham

As to count 2, the judgment is modified to reflect a term of life with possibility of parole, consecutive to the terms imposed on count 1. The consecutive 10-year firearm enhancement on count 2 remains as imposed by the trial court. The clerk of the superior court is directed to correct the abstract of judgment accordingly, and to forward the corrected abstract to the Department of Corrections. As modified, the judgment is affirmed.

O'Neill, J. (Assigned)

We concur:   Armstrong, Acting P.J.  
                   Godoy Perez, J.

## DIVISION SIX

B133111 People (Certified for Publication)  
v.  
American Surety Insurance Co.

The order denying appellant's motion to vacate forfeiture is reversed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B129720 People (Not for Publication)  
v.  
Flores

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

## January 27, 2000-Continued

## DIVISION SIX (Continued)

B135075 People (Not for Publication)  
v.  
Castillo

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

B131760 People (Certified for Publication)  
v.  
Acuna

The judgment (order) is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B120104      Linsco/Private Ledger Corp.      (Not for Publication)  
v.  
Federman et al.

The judgment and the order denying the motion to vacate the judgment are affirmed. Costs are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

## January 27, 2000-Continued

## DIVISION SIX (Continued)

B131036 People (Not for Publication)  
v.  
Claus

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, P.J.  
                         Yegan, J.

B130025 People (Not for Publication)  
v.  
Jimmy E.

The judgment is modified to reflect maximum confinement time of five years eight months. In all other respects, the judgment is affirmed

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B129746 People (Certified for Publication)  
v.  
Madrigal

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

## January 27, 2000-Continued

## DIVISION SIX (Continued)

B132052 People (Not for Publication)  
v.  
Quinones

The judgment (order) is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B128387 People (Not for Publication)  
v.  
Younger

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B132057 People (Not for Publication)  
v.  
Fletcher

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

## DIVISION SIX (Continued)

B133318 People (Not for Publication)  
v.  
Santistevan

As to count 14, the true finding on the firearm use enhancement is reversed. In all other respects, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the reversal and to show an aggregate sentence of 156 years 4 months to life. The trial court is further directed to forward a certified copy of the amended abstract to the Department of Corrections.

Coffee, J.

We concur:    Gilbert, P.J.  
                         Yegan, J.

B132477 People (Not for Publication)  
v.  
Bowen

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Perren, J.

B133999 People (Not for Publication)  
v.  
Voter

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, P.J.  
                      Coffee, J.

DIVISION SIX (Continued)

B129058     Ray  
              v.  
              Valley Forge Insurance Company

Filed order modifying opinion and certifying for publication. (No change  
in the judgment)